

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**DUVAL MOTOR COMPANY,**

**Plaintiff,**

**v.**

**Case No. 8:08-cv-2476-T-30TGW**

**DELL FINANCIAL, LLC, et al.,**

**Defendants.**

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**ORDER**

THIS CAUSE comes before the Court upon Defendants, Dell Financial, LLC and AutoSave, LLC's Motion to Dismiss, or in the Alternative, to Transfer Venue (Dkt. 31), Defendants Virginia Surety Company, Inc. and Great American Insurance Company's Motion to Dismiss (Dkt. 30), and Plaintiff's Motion for Leave to File Second Amended Complaint (Dkt. 41). The Court held a hearing on these motions on September 1, 2009. For the reasons stated on the record, it is therefore ORDERED AND ADJUDGED that:


1. Defendants, Dell Financial, LLC and AutoSave, LLC's Motion to Dismiss, or in the Alternative, to Transfer Venue (Dkt. 31) is **GRANTED** to the extent that the Court grants their motion to transfer venue to Michigan. Defendants' counsel stated on the record that Defendants, Dell Financial, LLC and AutoSave, LLC, withdrew their Motion to Dismiss on the ground that service of process was insufficient.

2. Plaintiff's Motion for Leave to File Second Amended Complaint (Dkt. 41) is **GRANTED**. Plaintiff has twenty (20) days from the date of this Order to file the amended complaint in this action. Once the amended complaint is filed, the CLERK shall transfer this case to the Eastern District of Michigan.

3. Defendants Virginia Surety Company, Inc. and Great American Insurance Company's Motion to Dismiss (Dkt. 30) is **DENIED AS MOOT**, based on the Court's granting of Plaintiff's Motion for Leave to File Second Amended Complaint.

4. After this case is transferred to the Eastern District of Michigan, it will be an issue for the Michigan Court to decide whether venue is more appropriate in this Court.

**DONE** and **ORDERED** in Tampa, Florida on September 3, 2009.

  
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**JAMES S. MOODY, JR.**  
**UNITED STATES DISTRICT JUDGE**

**Copies furnished to:**  
Counsel/Parties of Record

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